

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VINCENT E. HARRELL,

Plaintiff,

v.

ORDER

JEANNE ZWIERS, ALSTEEN, PAUL HITT,
and CO FONDER,

16-cv-407-jdp

Defendants.

Plaintiff Vincent E. Harrell, a former Wisconsin inmate, brings this lawsuit alleging that while he was incarcerated at the Green Bay Correctional Institution, various officials there deprived him of low-sodium meals prescribed to accommodate his hypertension. He brings Eighth Amendment claims for the cancellation of the meals and First Amendment retaliation claims because the cancellation came after he filed grievances about the administration of the meals.

Harrell has filed a motion to amend the complaint along with a second amended complaint. Dkt. 21, and Dkt. 22. Harrell says that he wishes to bring retaliation claims against two new defendants, correctional officers Jose Reyes and Michael Schisel, after learning through discovery requests that they worked with the other defendants to retaliate against him by surveilling his eating habits, “micromanaging” his junk-food intake, and interfering with his low-sodium meals, only after he filed a grievance about his meals.

Federal Rule of Civil Procedure 15(a)(2) states that the court should freely grant leave to amend when justice so requires. Under this standard, I will grant Harrell’s motion to amend his complaint and allow him to proceed on retaliation claims against Reyes and Schisel, just as I allowed him to proceed on similar retaliation claims against the other defendants.

The state has filed a motion to stay the dispositive motions deadline pending a ruling on Harrell's motion to amend his complaint. I will grant the state's motion and set a new dispositive-motions deadline: October 13, 2017.

ORDER

IT IS ORDERED that:

1. Plaintiff Vincent E. Harrell's motion to amend his complaint, Dkt. 21, is GRANTED.
2. Plaintiff is GRANTED leave to proceed on First Amendment retaliation claims against defendants Jose Reyes and Michael Schisel.
3. The state may have until October 2, 2017, to inform the court whether it intends to represent Reyes and Schisel, and if the state is representing them, to file an amended answer on their behalf.
4. The schedule is amended as stated above.

Entered September 13, 2017.

BY THE COURT:
/s/

JAMES D. PETERSON
District Judge